

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

YOLANDA HERRERA,)	
Petitioner)	CIVIL ACTION NO. 05-10441-MLW
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
Respondent)	
)	

**Government's Motion For Leave To File
Late Its Memorandum In Opposition To
Petitioner's Motion To Vacate Sentence
Pursuant To 28 U.S.C. § 2255**

Introduction

The United States of America, by Michael J. Sullivan, United States Attorney, and Michael J. Pelgro, Assistant U.S. Attorney, hereby files this motion for leave to file late its memorandum in opposition to the petitioner's motion to vacate his sentence pursuant to 28 U.S.C. § 2255. The government requests that the Court grant it leave to file its opposing memorandum on December 5, 2005.

In support thereof, the government states that the petitioner has filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. The Court has ordered the government to file a response and it extended the deadline for the government's response to Monday, November 28, 2005. The government has obtained the criminal case file from its archives section and researched the facts and applicable law. However, due to the heavy volume of multiple-defendant narcotics investigations and

cases in which government counsel has been involved, as well as various administrative and supervisory duties imposed on government counsel, the government was unable to complete and file the opposing memorandum until Monday, November 5, 2005.

Accordingly, the government respectfully requests that the Court grant it leave to file its opposing memorandum one week late, on December 5, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/Michael J. Pelgro
Michael J. Pelgro
Assistant U.S. Attorney

DATED: December 5, 2005.

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Yolanda Herrera
Inmate No. 23564-038
FCI Danbury
Federal Correctional Institution
Route 37
Danbury, CT 06811

This 5th day of December 2005.

/s/Michael J. Pelgro

MICHAEL J. PELGRO
ASSISTANT UNITED STATES ATTORNEY